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|---|-----------------------------|----------------------|
| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) | Attorney Dock Number | F-196 |
| | First Named Inventor | Ralph; |
| | COMPLETE IF KNOWN | |
| | Application Number | 10 / 223,148 |
| | Filing Date | 8/19/2002 |
| | Group Art Unit | |
| | | Examiner Name |

☐ Declaration Submitted with Initial Filing
 OR
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Porous Intervertebral Distraction Spacers

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 8/19/2002 as United States Application Number or PCT International

Application Number 10/223,148 and was amended on (MM/DD/YYYY) 10/1/2002 (to include Fig. 3d) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

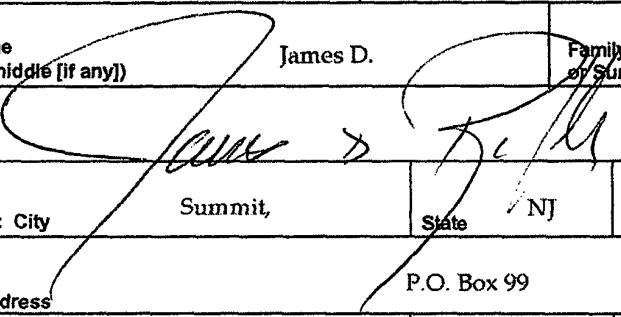
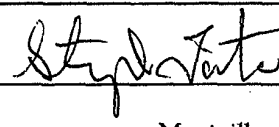
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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DECLARATION — Utility or Design Patent Application

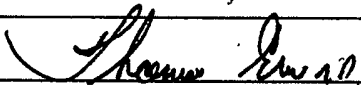
| | | | |
|---|-------------------------------|---|-----------------------|
| Direct all correspondence to: <input type="checkbox"/> Customer Number or Bar Code Label | | OR <input checked="" type="checkbox"/> Correspondence address below | |
| Name Joseph P. Errico | | | |
| Address 150 Douglas Road | | | |
| City Far Hills | State NJ | ZIP 07931 | |
| Country US | Telephone 917-373-5918 | Fax 908-273-6136 | |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. | | | |
| NAME OF SOLE OR FIRST INVENTOR : | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) James D. | | Family Name or Surname Ralph; | |
| Inventor's Signature  | | Date 10/1/2002 | |
| Residence: City Summit, | State NJ | Country US | Citizenship US |
| Mailing Address P.O. Box 99 | | | |
| City Summit, | State NJ | ZIP 08752 | Country US |
| NAME OF SECOND INVENTOR: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) Stephen | | Family Name or Surname Tatar; | |
| Inventor's Signature  | | Date 10/1/2002 | |
| Residence: City Montville, | State NJ | Country US | Citizenship US |
| Mailing Address 45 Upper Mountain Road | | | |
| City Montville, | State NJ | ZIP 07045 | Country US |
| <input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto. | | | |

Please type a plus sign (+) inside this box → ☐

F-196

PTO/SB/02A (11-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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| DECLARATION | ADDITIONAL INVENTOR(S) Supplemental Sheet Page <u>1</u> of <u>1</u> |
|--------------------|---|

| | | | |
|--|---------|---|-------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| Thomas J. | | Errico | |
| Inventor's Signature  | | Date 10/1/2002 | |
| Residence: City | Summit, | State | NJ |
| | | Country | US |
| Citizenship US | | | |
| Mailing Address 5 Crest Acre Court | | | |
| Mailing Address | | | |
| City | Summit, | State | NJ |
| | | ZIP | 07901 |
| | | Country | US |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date | |
| Residence: City | | State | |
| | | Country | |
| Citizenship | | | |
| Mailing Address | | | |
| Mailing Address | | | |
| City | | State | |
| | | ZIP | |
| | | Country | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle (if any)) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | Date | |
| Residence: City | | State | |
| | | Country | |
| Citizenship | | | |
| Mailing Address | | | |
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PTO/SB/81 (02-01)

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

| | |
|------------------------|---|
| Application Number | |
| Filing Date | 9/22/2003 |
| First Named Inventor | Ralph; |
| Title | Porous intervertebral Distraction Spacers |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | F-295 |

I hereby appoint:

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36402

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| Name | Registration Number |
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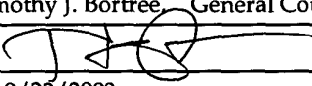
Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|---|
| Name | Timothy J. Bortree, General Counsel, SpineCore, Inc. |
| Signature |  |
| Date | 9/22/2003 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: James D. Ralph; Stephen Tatar; Thomas J. ErricoApplication No./Patent No.: _____ Filed/Issue Date: 9/22/2003Entitled: Porous Intervertebral Distraction SpacersSpineCore, Inc., a Limited Liability Company,
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame: 013361/0291 , or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
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2. From: _____ To: _____
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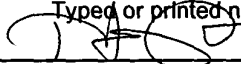
☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9/22/2003
Date

Timothy J. Bortree,
Typed or printed name

Signature
General Counsel, SpineCore, Inc.
Title